IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13422 of 2004

Between:

Eti Srinivasa Rao, s/o late Lakshmana Rao, E-453414
r/o H.No.3-132/A, Mindi Village, Gajuwaka Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The APSRTC rep., by its Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Visakhapatnam Region, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents herein in not considering petitioner's case for appointment on compassionate grounds for the post of Conductor/Shramik or for any suitable post in pursuance of the Proceedings No.P2/786(6)/02-RM/VSP, dt.2-9-2002 as illegal unjust and arbitrary and as such liable to be set aside with a consequential direction to consider his case forthwith in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent Nos.1 & 2: MR.P.VINAYAKA SWAMY

SC for APSRTC

The Court at the admission stage made the following:

ORDER:

The petitioner is the son of E.Laxmanarao, an employee of the respondent Corporation. The said Laxmanarao died on 01.06.1999 while discharging his duties as Driver. The petitioner made an application on 25.06.1999 to the 2nd respondent seeking appointment as a conductor.

2. The respondent Corporation passed an order on 20.09.2002 intimating the petitioner that his application has been registered for the post of Conductor and it will be considered as per the seniority maintained, as and when his turn comes, subject to fulfillment of qualifications and Rules in force. It was further mentioned in the said order that there are no vacancies of 'Shramiks' and 'Conductors' under the deceased employees quota at present.

3. Subsequently, there is a communication from the 1st respondent dated 25.04.2003 regarding the recruitment of dependents of employees died in harness under the Bread Winners Scheme. In the said letter, it is mentioned that in the Joint Meeting held with the recognized A.P.S.R.T.C. Employees Union by Vice Chairman and Managing Director on 23rd and 26th September, 2002, it was resolved that the candidates who have been selected under Bread Winners Scheme and waiting for appointment as on 16.09.2002, shall be adjusted in future vacancies and the scheme will be kept in abeyance. After getting information from all regions, it was noticed that 134 candidates were selected and are waiting for appointment. The Vice Chairman and Managing Director have agreed to consider the appointment of those 134 candidates under Bread Winners Scheme in future vacancies. Accordingly, the Regional Managers were advised to consider the appointment of those candidates under Bread Winners Scheme, in their respective regions, in future vacancies, with prior approval of the Vice Chairman and Managing Director.

4. The learned counsel for the respondents submit that in pursuance of the

proceedings dated 25.04.2003, it is not possible to appoint the petitioner immediately, and he has to wait for his turn as per seniority.

5. The learned counsel for the petitioner submits that since 1999 the petitioner has been waiting for employment and it is not known as to how many years will take to absorb all the persons, who are waiting for employment under Bread Winners Scheme. He, therefore, requested to direct the respondents to consider the case of the petitioner for appointment under Bread Winners Scheme in other regions, where there are vacancies.

6. In the light of the circumstances, explained by the petitioner, the respondents are directed to consider the request of the petitioner and pass appropriate orders for appointment as Conductor, or for any other suitable post, in any other Region, where there are vacancies. The said exercise may be completed within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of.

ASSISTANT REGISTRAR

Dsr

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director, APSRTC,

Musheerabad, Hyderabad.

2. The Regional Manager, APSRTC,

Visakhapatnam Region, Visakhapatnam.

3. Two CD copies.